



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150

WASHINGTON, TUESDAY, JANUARY 27, 2004

No. 6

Senate

The Senate met at 12 noon and was called to order by the Honorable MICHAEL B. ENZI, a Senator from the State of Wyoming.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, our rock, our health, and our life, we thank You that You have been to us a high tower and a strong defense. Thank You for helping us to conquer our anxieties and fears, our sins and follies, our failures and doubts. Lord, we put our trust in You, for our times are in Your hands.

Today, give our Senators the light of Your truth. May they find in You the source of highest joy. Take each of us beyond secondhand faith into an experiential relationship with You. Stir us to new heights of excellence, as You show us Your majesty and glory. Let Your strong right arm defend us. We pray this in Your wonderful name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MICHAEL B. ENZI led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 27, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable Michael B. Enzi, a Senator from the State of Wyoming, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ENZI thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will again resume debate on H.R. 3108, the pension rate bill. It is our hope to complete the bill either today or early tomorrow. In accordance with the consent agreement entered yesterday, we will vote at 2:30 p.m. today in relation to the Kyl amendment, No. 2234, which is the PBGC hold harmless language. Senator KYL has an additional amendment pending, and I will be talking to the Democratic leadership as to a time certain for a vote in relation to that amendment. There are a number of meetings this afternoon with Members on both sides. So we will be looking for an appropriate time today for that vote.

In addition, one other Senator has expressed an interest in offering an amendment, and we will be trying to schedule that amendment for consideration as well. Having said that, additional votes will, therefore, occur this afternoon as we attempt to finish the pension rate bill today or tomorrow.

I thank Members for their cooperation in letting us move forward on this legislation.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I appreciate the announcements of the majority leader and will work with him to see if we can't finish the pension bill, if not today, certainly by tomorrow. I think we have had a good debate. There are a lot of good issues that have been addressed. It is an important bill. Even though it is a temporary measure, I think it goes a long way to addressing some of the concerns.

WHITE HOUSE LEAKS AND NATIONAL SECURITY

Mr. DASCHLE. Mr. President, I wish to address an issue that I think deserves even greater attention in the Senate. It has been 6 months now since a senior White House official publicly disclosed one of this Nation's most protected and valuable national security secrets: the identity of an intelligence operative. This act of political retribution not only placed at risk the life of an intelligence operative, it put at risk the security of every American.

In the war on terrorism, the importance of intelligence agents to our national security simply cannot be overstated. Human intelligence is our best weapon against terrorists. By revealing the name of this operative, the senior White House official or officials responsible acted in an unprecedented manner to break a fundamental bond of trust that protects both the mission and the lives of intelligence officers.

Secretary of Defense Donald Rumsfeld summarized the stakes involved when he said:

Leaks put people's lives at risk. And I think that the people in any branch of Government have the obligation to manage their mouths in a way that does not put people's lives at risk. Folks that leak and put people's lives at risk ought to be in jail.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Former President George H.W. Bush put it even more succinctly:

I have nothing but contempt and anger for those who betray the trust by exposing the names of our sources. They are, in my view, the most insidious of traitors.

While Republicans, including President Bush and members of his Cabinet, have been quick to condemn the act of leaking sensitive information, it took the Justice Department nearly 3 months after this leak to announce it was launching an investigation.

Several more months ensued before Attorney General Ashcroft, in response to criticism about a potential conflict of interest, removed himself from heading up the investigation and turned it over to another Justice Department attorney. Not surprisingly then, given these twists and turns, the identity of the leaker remains unknown to this day.

Last week, unsatisfied with its apparent lack of progress, a group of former intelligence officers asked Congress to open an immediate inquiry into the disclosure of Valerie Plame's name to the media. They said:

The disclosure of Ms. Plame's name was an unprecedented and shameful event in American history, and, in our professional judgment, has damaged U.S. national security, specifically the effectiveness of U.S. intelligence gathering using human sources.

These former intelligence officers took this extraordinary step because they feared that the Justice Department investigation underway may not uncover those responsible or may attempt to explain away the incident as little more than an unfortunate event that does not rise to the level of criminal behavior.

No American—Democrat or Republican—can afford to allow this affair to be swept under the rug. The cloud of uncertainty hangs over our intelligence community. Intelligence agents report growing fear that the community is increasingly viewed as a political tool rather than as an instrument of independent and objective discovery and analysis.

Too many agents and analysts are beginning to wonder what will happen to them if they come forward with facts or analyses that contradict official policies of the administration.

In addition to affecting their work, we should all be concerned about the chilling effect this could have on the willingness of foreign nationals to cooperate with our agents if they, too, come to fear their identities could come to be disclosed. These fears are justified. Leaking the names of covert agents or other intelligence assets represents a direct assault on our intelligence community and our ability to work with foreign agencies and assets.

The nature of intelligence officers' work prevents them from ever receiving from the American people the recognition or thanks they deserve. In fact, despite the incredible risks they assume on our behalf, they do not ask for recognition or thanks. All they ask

is that we keep faith with them and offer them the protection they need to do their jobs.

Someone in the White House betrayed that trust, and we owe it to every intelligence officer—indeed, to every American—to uncover the truth about this leak and punish those responsible to the fullest extent.

In order to shed more light, House Democratic Leader NANCY PELOSI, several colleagues, and myself have requested that the GAO investigate whether or not the White House complied with the administrative requirements to safeguard classified information in the case of CIA operative Valerie Plame.

This investigation is fundamentally different from the Justice Department investigation currently underway. That investigation will assess whether any criminal statutes have been violated.

We have asked the GAO to assess a separate, yet equally important, question of whether the White House followed appropriate internal administrative procedures protecting Ms. Plame's identity and responding to the leak once it occurred.

In order to safeguard the lives of our intelligence agents and the integrity of our intelligence process, we have an obligation to discover the truth about this affair and hold those responsible accountable.

Yesterday at this time I discussed the growing consensus that Iraq did not, in fact, have weapons of mass destruction prior to the start of the war, as we had been told.

I said then and I will say today, every Member of this body has a responsibility to review matters such as these and see that this Senate lives up to its obligations. We simply cannot afford to ignore what happened, why it happened, and our own responsibility to ensure that it does not happen again.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, before I address the legislation at hand, I will make a brief response to the distinguished Democrat leader's statement concerning our efforts in Iraq and weapons of mass destruction. I think the Senator from South Dakota has a legitimate point in that there needs to be a thorough evaluation of the intelligence and what happened that led us to believe that perhaps some of that information was incorrect. I point out, again, that I am very pleased to note that the overwhelming majority of the American people still believe we did the right thing in Iraq. There is very little doubt in anyone's mind, including the previous administration's statements, that Saddam Hussein had acquired weapons of mass destruction, used weapons of mass destruction, and there is no doubt in this Senator's mind that if he were still in power he would be attempting to acquire weapons of mass destruction.

Certainly we need to find out all the elements that went into the estimates concerning weapons of mass destruction, but at the same time there is a clear record in statements made by the previous President, as well as this President, concerning Saddam Hussein's intentions.

Mr. REID. Mr. President, I wish to say very briefly that Senator DASCHLE's statement regarding the leaking of the name of the informant—someone who worked for the CIA—had nothing to do about whether there were or were not weapons of mass destruction in Iraq. Senator DASCHLE had to leave but he wanted to make sure I made the record clear. His statement had no reflection on whether there were or were not weapons of mass destruction in Iraq. His statement simply relates to the fact that there simply should be an investigation into who leaked the most sensitive information regarding someone who worked for the CIA.

PENSION FUNDING EQUITY ACT OF 2003

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3108, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3108) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes.

Pending:

Grassley amendment No. 2233, of a perfecting nature.

Kyl amendment No. 2234 (to amendment No. 2233), to limit the liability of the Pension Benefit Guaranty Corporation with respect to a plan for which a reduced deficit contribution is elected.

Kyl amendment No. 2236 (to amendment No. 2233), to restrict an employer that elected an alternative deficit reduction contribution from applying for a funding waiver.

The ACTING PRESIDENT pro tempore. Under the previous order, the time between now and 12:30 p.m. shall be equally divided between the bill managers or their designees.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, a series of high profile events, including the Iowa caucuses, the State of the Union Address, the passage of a massive Omnibus appropriations bill, and today's primary in New Hampshire have overshadowed our consideration of this measure, and that is regrettable.

The pension bill that is almost sure to pass this Chamber is folly. The amendment offered by Senators GRASSLEY, BAUCUS, GREGG, and KENNEDY, while addressing the short-term interests of a handful of special interests, could further exacerbate a severe pension underfunding problem. I might say this measure is recognized as such by the administration.